

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,) CASE NO. 1:09CR144
Plaintiff,)
v.) JUDGE KATHLEEN M. O'MALLEY
JULIAN BURFORD,)
and)
TURNER WILLIAMS,)
Defendants.) PRELIMINARY ORDER OF FORFEITURE

It appears to the Court that proper proceedings for the issuance of a Preliminary Order of Forfeiture have been had in this case as follows:

1. On March 25, 2009, a federal grand jury sitting in this district returned a 1-count indictment against defendants Julian Burford and Turner Williams.

2. The indictment charged both defendants with conspiracy to possess with intent to distribute and to distribute cocaine, in violation of 21 U.S.C. § 846.

3. Pursuant to 21 U.S.C. § 853, the indictment further sought the forfeiture to the United States of: "any and all property constituting or derived from any proceeds [defendants Julian Burford and Turner Williams] obtained directly or indirectly as a result of the said violation; and, any and all of

their property used or intended to be used in any manner or part to commit or to facilitate the commission of the said violation."

4. On June 2, 2009, defendant Turner Williams entered a plea of guilty to the indictment.

5. With respect to forfeiture, defendant Williams agreed as follows in his written plea agreement:

a.) Pursuant to 21 U.S.C. § 853, defendant Williams agreed to the forfeiture of the following properties to the United States:

- 1999 Freightliner Semi-Tractor, VIN: 1FUYSSZB5XPA40603, seized on March 2, 2009; and,
- 1997 Wabas BTM Trailer, VIN: 1JJE53235VL398021, seized on March 2, 2009.

b.) Defendant Williams further agreed that these properties are subject to forfeiture under 21 U.S.C. § 853 as they were derived from proceeds obtained, directly or indirectly, as the result of the commission of the criminal activity charged in the indictment; and/or, were used, in any manner or part, to commit or to facilitate the commission of the criminal activity charged in the indictment.

c.) Particularly, the factual basis for defendant Williams' guilty plea provided as follows with respect to the semi-tractor and trailer (truck): On or about February, 2009, the truck was used to pick up a load of cocaine in California (namely: 33

kilograms of cocaine). The truck subsequently left California with the ultimate destination being Cleveland, Ohio.

6. By an Agreement attached as Exhibit 1, TDW Trucking, LLC (an entity associated with defendant Williams), consented to the forfeiture of the following properties, and agreed not to contest their forfeiture pursuant to 21 U.S.C. § 853(n): the aforementioned 1999 Freightliner semi-tractor, VIN: 1FUYSSZB5XPA40603, seized on March 2, 2009; and, the aforementioned 1997 Wabas BTM trailer, VIN: 1JJE53235VL398021, seized on March 2, 2009.

7. On June 4, 2009, defendant Julian Burford entered a plea of guilty to the indictment.

8. With respect to forfeiture, defendant Burford agreed as follows in his written plea agreement:

a.) Pursuant to 21 U.S.C. § 853, defendant Burford agreed to the forfeiture of the following properties to the United States:

- 2003 Lexus 4S, VIN: JTHBN30F030116169, seized on March 2, 2009;
- 2000 Kenworth Construction T2000 Tractor (diesel), VIN: 1XKTDB9X7YJ857388, seized on March 2, 2009;
- 2000 Utility S25 Trailer, VIN: 1UYVS2532YM402901, seized on March 2, 2009;
- 1999 Freightliner Semi-Tractor, VIN: 1FUYSSZB5XPA40603,

seized on March 2, 2009; and,

- 1997 Wabas BTM Trailer, VIN: 1JJE53235VL398021, seized on March 2, 2009.

b.) Defendant Burford further agreed that these properties are subject to forfeiture under 21 U.S.C. § 853 as they were derived from proceeds obtained, directly or indirectly, as the result of the commission of the criminal activity charged in Count 1 of the indictment; and/or, were used, in any manner or part, to commit or to facilitate the commission of the criminal activity charged in the indictment.

c.) Particularly, the factual basis for defendant Burford's guilty plea provided as follows with respect to the properties:

- On or about February, 2009, the 1999 Freightliner semi-tractor (VIN: 1FUYSSZB5XPA40603) and 1997 Wabas BTM trailer (VIN: 1JJE53235VL398021) were used to pick up a load of cocaine in California (namely: 33 kilograms of cocaine). The semi-tractor and trailer [truck] subsequently left California with the ultimate destination being Cleveland, Ohio.

- On March 2, 2009, defendant Burford drove the 2003 Lexus 4S (VIN: JTHBN30F030116169) to 4801 Orchard Avenue, Garfield Heights, Ohio, where the truck was parked. Defendant Burford went to the truck and looked underneath the truck in the location of its secret compartment.

- Further, defendant Burford acknowledged in the

factual basis for his guilty plea that the 2000 Kenworth Construction T2000 tractor (diesel) (VIN: 1XKTDB9X7YJ857388) and 2000 Utility S25 trailer (VIN: 1UYVS2532YM402901) previously were used to facilitate his drug trafficking activities.

9. By an Agreement attached as Exhibit 2, Horizon Sun Investments (an entity associated with defendant Burford) consented to the forfeiture of the following property, and agreed not to contest its forfeiture pursuant to 21 U.S.C. § 853(n): the aforementioned 2003 Lexus 4S, VIN: JTHBN30F030116169, seized on March 2, 2009.

10. By an Agreement attached as Exhibit 3, Road Train, Inc. (an entity associated with defendant Burford), consented to the forfeiture of the following properties, and agreed not to contest their forfeiture pursuant to 21 U.S.C. § 853(n): the aforementioned 2000 Kenworth Construction T2000 tractor (diesel), VIN: 1XKTDB9X7YJ857388, seized on March 2, 2009; and, the aforementioned 2000 Utility S25 trailer, VIN: 1UYVS2532YM402901, seized on March 2, 2009.

11. The United States is entitled to possession of the aforementioned properties pursuant to 21 U.S.C. § 853 and Rule 32.2 of the Federal Rules of Criminal Procedure.

Accordingly, it is ORDERED, ADJUDGED, and DECREED:

12. The United States is authorized to seize and take control of the following properties, and they hereby are

forfeited to the United States under 21 U.S.C. § 853 for disposition in accordance with law, subject to the provisions of 21 U.S.C. § 853(n):

a.) 2003 Lexus 4S, VIN: JTHBN30F030116169, seized on March 2, 2009;

b.) 2000 Kenworth Construction T2000 Tractor (diesel), VIN: 1XKTDB9X7YJ857388, seized on March 2, 2009;

c.) 2000 Utility S25 Trailer, VIN: 1UYVS2532YM402901, seized on March 2, 2009;

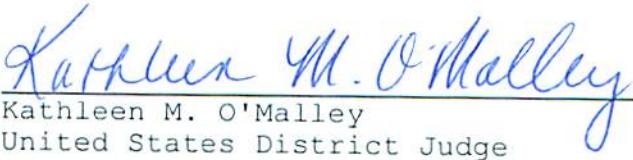
d.) 1999 Freightliner Semi-Tractor, VIN: 1FUYSSZB5XPA40603, seized on March 2, 2009; and,

e.) 1997 Wabas BTM Trailer, VIN: 1JJE53235VL398021, seized on March 2, 2009.

13. Pursuant to 21 U.S.C. § 853(n)(1) and the Attorney General's authority to determine the manner of publication of an Order of Forfeiture in a criminal case, the United States shall publish notice of this order on an official government internet site (www.forfeiture.gov) for at least 30 consecutive days.

14. Upon completion of publication, the Court will enter a final order in accordance with 21 U.S.C. § 853(n).

SO ORDERED this 9th day of July, 2009.


Kathleen M. O'Malley
United States District Judge